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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,415	04/26/2001	Takeo Morinaga	450100-03183	9347

20999 7590 01/12/2007	EXAMINER
FROMMER LAWRENCE & HAUG	NGUYEN, HUY THANH
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ART UNIT	PAPER NUMBER
2621	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
	09/843,415	MORINAGA ET AL.
Office Action Summary	Examiner	Art Unit	
	HUY T. NGUYEN	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>26 October 2006</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>3,5-9,11,12,14-18 and 20</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>3,5-9,11,12,14-18 and 20</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____.

        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

2.   Claims 3 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Miyasaka et al (5,991503) in view of Doh Sang -Yoon et al (Fast forward and

fast rewind play system based on MPEP system stream with new concept, the article

cited in IDS filed 30 July 2004).

Regarding claims 3 and 12, Miyasaka teaches an information processing method

whereby a stream of a video packet comprising image data encoded in a frame or a

field, image data encoded between forward directional frames or fields, and image data

encoded between bidirectional frames or fields is received and recorded into a storage

device, comprising the steps of:

detecting a first marker packet (header)which is sent just before a transport

packet stream including said intraframe or intrafield encoded image from said received

stream; and

identifying said transport stream packet including said intraframe or intrafield

encoded image from said first marker packet (Figs. 6-7, column 9, lines 56-68.column

10, lines 1-25, column 11 lines 1-16).

Miyasaka further teaches a second marker packet which is sent just after said

transport stream packet including said intraframe or intrafield encoded image is

detected (Figs. 6-7).

Miyasaka fails to teaches that the firs marker and second marker having unit

identifier not otherwise used with a transport packet .

Doh teaches means for generating start marker packet and end marker

packet for a frame packet, the identifiers are not otherwise used with a packet (Fig.

4, page 849) .

It would have been obvious to one of ordinary skill in the art to modify Miyasaka

with Doh by using a generating means as taught by Doh with the apparatus of

Miyasaka for generating the first marker and second marker as unique identifier not

otherwise used with the transport packet thereby accurately identifying and accessing

the frame data in the transport packets.

3.   Claims 3,6,7,8,11,12,15,16,17 and 20 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Yamamoto et al (6,628,890) in view of Doh Sang -Yoon et al

(Fast forward and fast rewind play system based on MPEP system stream with new

concept, the article cited in IDS filed 30 July 2004).

Regarding claims 3 and 12, Yamamoto disclose an information processing

apparatus (Fig1.) in which a stream of a video packet comprising image data encoded

in a frame or a field, image data encoded between forward directional frames or fields,

and image data encoded between

bidirectional frames or fields is received and recorded into a storage device, comprising:

means for detecting a first marker packet (header) which is transmitted just

before a transport stream packet including said intraframe or intrafield encoded image

from said received stream; and means for identifying said transport

stream packet including said intraframe or intrafield encoded image from said first

marker packet (column 5, lines 1-25).

Yamamoto further teaches means for detecting a second marker packet which

is transmitted just after the transport stream packet including said intraframe or

intrafield encoded image (second header of a subsequent picture packet of the stream

, Fig. 3) .

Yamamoto fails to teaches that the firs marker and second marker having unit

identifier not otherwise used with a transport packet .

Doh teaches means for generating start marker packet and end marker packet for a frame packet, the identifiers are not otherwise used with a packet (Fig. 4, page 849) .

It would have been obvious to one of ordinary skill in the art to modify Yamamoto with Doh by using a generating means as taught by Doh with the apparatus of Yamamoto for generating the first marker and second marker as unique identifier not otherwise used with the transport packet thereby accurately identifying and accessing the frame data in the transport packets.

Regarding claims 6 and 15, Yamamoto teaches holding means for holding recording position information at the head of said intraframe or intrafield encoded image data in said storage device on the basis of a result of said identification (column7, lines 30-55), column 8, lines 43-55, column 10, lines 45-58).

Regarding claims 7 and 16, Yamamoto teach the apparatus according to claim 15, wherein upon reproduction, a recording unit including said intraframe or intrafield encoded image data is reproduced from said storage device on the basis of said recording position information at the head of said intraframe or intrafield encoded image data, and a variable speed reproduction is performed (column 9, lines 20-68).

Regarding claims 8 and 17 , Yamamoto discloses an information recording and reproducing method (Fig. 1) whereby a stream of a video packet comprising image data encoded in a frame or a field, image data encoded between forward directional frames or fields, and image data encoded between bidirectional frames or fields is recorded into a storage device on a unit basis of a predetermined number of recording

units and said stream is reproduced from said storage device (column 1, lines 55-65,

column11, lines 1-21), comprising the steps of

detecting a first marker (header) packet which is sent just before a transport

packet including said intraframe or intrafield encoded image from said received stream;

identifying the transport packet of said   intraframe or intrafield encoded image data

from said first marker packet;

adding information showing said intraframe or intrafield encoded image data on

the basis of a result of said identification;

counting said added information showing said intraframe or intrafield encoded

image data every recording unit into said storage device; and

adding a result of said counting every recording unit into said storage device

(column 5, lines (1-22).

Yamamoto further teaches means for detecting a second marker packet which is

transmitted just after the transport stream packet including said intraframe or intrafield

encoded image (second header of a subsequent packet of the stream)(column 8,

lines 35-45) .

Yamamoto fails to teaches that the firs marker and second marker having unit

identifier not otherwise used with a transport packet .

Doh teaches   means for generating start marker packet and end marker

packet   for a frame packet, the identifiers are not otherwise used with   a packet (Fig.

4, page 849) .

It would have been obvious to one of ordinary skill in the art to modify Yamamoto
with Doh by using a generating means as taught by Kato with the apparatus of
Yamamoto for generating the first marker and second marker as unique identifier not
otherwise used with the transport packet thereby accurately identifying and accessing
the frame data in the transport packets.

Regarding claims 11 and 20, Yamamoto further teaches the method according
to claim 8, wherein upon reproduction, the recording unit including said intraframe or
intrafield encoded image data is reproduced from said storage device on the basis of a
result of said counting added every said recording unit and a variable speed
reproduction is performed (column 5, lines 25-45).

4.   Claims 5 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable
over Miyasaka et al (5,991503) in view of Doh Sang Yoon et al as applied to claims 3
and 12 above, further in view of Mercier (6,865,747).

Regarding claims 5 and 14, Miyasaka fails to teach that the data packets are
encrypted .

Mercier teaches a method for encrypting packet data (column 6, lines 56-68). It
would have been obvious to one of ordinary skill in the art to modify Miyasaka with
Mercier by using a encrypting means as taught by Mercier with the apparatus of
Miyasaka for encrypting the packet of Mahaska in order to protect the data packets
from copying .

5.   Claims 6 –7 and 15 –16 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Miyasaka et al (5,991503) in view of Doh Sang Yoo et al   as

applied to claims 3 and 12 above, further in view of   Hirabayashi et al (6,002,834).

Regarding claims 6 and 15, Miyasaka fails to teach storing recording position

information . Hirabayashi teaches recording position of the intraframes (Fig. 5, column

3, lines 15-25) . It would have been obvious to on of ordinary skill in the art to modify

Miyasaka   with Hirabayashi by using a storing means as taught by Hirabayashi with

the apparatus of Miyasaka   for storing the recording position information of intra frame

thereby accurately access the intraframe when needed .

Regarding claims 7 and 16, Miyasaka as modified with Hirabayashi   further

teaches the method according to claim 6, wherein upon reproduction, a recording unit

including said intraframe or intrafield encoded image data is reproduced from said

storage device on the basis of the recording position information at the head of   said

intraframe or intrafield encoded image data, thereby performing a variable speed

reproduction (see Miyasaka column 11, lines 35-65, column 12, lines 37-55).

6.   Claims 5,9 ,14   and 18 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Yamamoto et al (628890) in view of Doh Sang-Yoon et al   as

applied to claims 3,8,12 and 17 above , further in view of   Mercier (6,865,747).

Regarding claims 5,9,14 and 18, Yamamoto fails to teach that the packet data is

encrypted .

Mercier teaches a method for encrypting packet data . It would have been obvious to one of ordinary skill in the art to modify Yamamoto with Mercier by using the teaching of Mercier for encrypting the packets of Yamamoto in order to protect the data packet of Yamamoto from copying .

Response to Arguments

7.   Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.
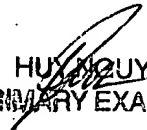

8.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571) 272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

H.N

HU NGUYEN
PRIMARY EXAMINER